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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,612	07/26/2006	Patricia Denny	19644-005US1	6177
26181 7590 04/01/2008 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
COOK, LISA V				
ART UNIT		PAPER NUMBER		
1641				
MAIL DATE		DELIVERY MODE		
04/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,612

Applicant(s)

DENNY ET AL

Examiner

LISA V. COOK

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/14/08.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 15, 16, 26, 29, 48, 49, 54, 55 and 57-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1-4, 6-9, 15, 16, 26, 29, 48, 49, 54, 55 and 57-76.

DETAILED ACTION

Amendment Entry

1. Applicant's response to the Office Action mailed 7/13/07 is acknowledged (paper filed 1/14/087). In the amendment filed therein claims 1, 3, 4, 6-9, 15-16, 29, 48-49, 54-55, 57-60 have been modified. Claims 5, 10-14, 17-25, 27-28, 30-47, 50-53, and 56 were canceled. New claims 61-76 were added.
2. Currently claims 1-4, 6-9, 15-16, 26, 29, 48-49, 54-55, and 57-76 are pending and under consideration.

Election/Restrictions

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

The claims require the assessment of at least two lectins selected from various independent and distinct compositions. Applicant must elect two for consideration. The two elected lectins and the corresponding claims that they read on will be considered. The claims effected by this species election are 4, 6, 7, 8, 9, 75, and 76.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:
Applicant must select two lectins from the following list for further consideration:

DSL (*datura stramonium*), ECL (*erythrina cristagalli*), PSA (*pisum sativum*), WGA (*triticum vulgaris*), UEA I (*ulex europaeus*), [[MALI]]MAL I (*maackia amurensis*), MAA (*maackia amurensis*), PNA (*arachis hypogaea*), AAL (*aleuria aurantia*), LTL (*lotus tetragonolobus*), MAL II (*maackia amurensis*), JAC (*Artocarpus integrifolia*), LEL (*lycopersicon esculentum*), SNA (*sambucus nigra*), PTL I (*psophocarpus tetragonolobus*), ACL (*amaranthus caudatus*), GSL II (*griffonia simplicifolia*), VVA (*vicia villosa*), BPL (*baubinia purpurea*), WFL (*wisteria floribunda*), SJA (*sophora japonica*), MPL (*maclura pomifera*), GNL (*galanthus nivalis*), HHL (*hippeastrum hybrid*), CCA (*canavalia ensiformis*), NPL (*narcissus pseudonarcissus*), STL (*solanum tuberosum*), PHA-L (*phaseolus vulgaris*), PHA-E (*phaseolus vulgaris*), GSL I (*griffonia simplicifolia*), DBA (*dolichos biflorus*), HMA (*homarus americanus*), EEA (*euonymus europaeus*), LPA (*limulus polyphemus*), and PTL II (*psophocarpus tetragonolobus*).

The following claim(s) are generic: 1-3, 15-16, 26, 29, 48-49, 54-55, 57-74.

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

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Each lectin is a separate composition derived from a variety of different plants, animals, and microbes. There are at least 26 different families recognized at this time. This is supported by the specification on page 28. Therefore applicant must select two for further consideration.

6. The Group 1641 – Central Fax number is (571) 273-8300, which is able to receive transmissions 24 hours/day, 7 days/week. In the event Applicant would like to fax an unofficial communication, the Examiner should be contacted for the appropriate Right Fax number.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa V. Cook whose telephone number is (571) 272-0816. The examiner can normally be reached on Monday - Friday from 7:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (571) 272-0823.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group TC 1600 whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Lisa V. Cook
Patent Examiner
Art Unit 1641
Remsen 3C-59
3/27/08

/Lisa V. Cook/

Primary Examiner, Art Unit 1641